

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Part 53**

[FAR Case 94-721]

RIN 9000-AG30

**Federal Acquisition Regulation;
Corrections to Standard Forms
Included in the Truth in Negotiations
Act Case**

AGENCIES: Department of Defense (DOD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Correction to proposed rule.

SUMMARY: FAR case 94-721 proposes
revisions to the FAR to implement

Sections 1201-1210, 1251, and 1252 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355). It was published as a proposed rule at 60 FR 2282; January 6, 1995. Included within the case are Standard Forms (SF) 1412 and 1412A. Due to administrative error the SF 1412 and 1412A previously published in the January 6, **Federal Register** were not the forms that were formulated by the Truth in Negotiations Act Team. For this reason we are correctly publishing SF 1412 and 1412A for the public to consider along with the proposed regulations.

DATES: *Comment Due Date:* Comments should be submitted on or before March 7, 1995, to be considered in the formulation of a final rule.

Public Meeting: A public meeting will be held on February 13, 1995, at 1:00 p.m.

Oral/Written Statements: Views to be presented at the public meeting should be sent, in writing, to the FAR

Secretariat, at the address given below, not later than February 8, 1995.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4037, Washington, DC 20405, Telephone: (202) 501-4755.

The public meeting will be held at General Services Administration Auditorium, 18th & F Streets, NW, First Floor, Washington, DC 20405.

Please cite FAR case 94-721 in all correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Al Winston, Truth in Negotiations Act (TINA) Team Leader, at (703) 602-2119 in reference to this correction. Please cite FAR case 94-721.

Dated: January 25, 1995.

Edward Loeb,

*Deputy Project Manager for Implementation
of the Federal Acquisition Streamlining Act.*

BILLING CODE 6820-34-P

REQUEST FOR EXEMPTION FROM SUBMISSION OF COST OR PRICING DATA (See reverse for instructions)

OMB No.: 9000-0013
Expires: 03/31/96

Public reporting burden for this collection of information is estimated to average 3.89 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Federal Acquisition Policy, (VR), GSA, Washington, DC 20405; and to the Office of Management and Budget, Paperwork Reduction Project (9000-0013), Washington, DC 20503.

1. OFFEROR (Name, address, ZIP code)		3. SOLICITATION NUMBER
2. DIVISION(S) AND LOCATION(S) WHERE WORK IS TO BE PERFORMED		4. ITEM OF SUPPLIES AND/OR SERVICES TO BE FURNISHED
		5. QUANTITY
		6. TOTAL AMOUNT PROPOSED FOR ITEM
		\$

By submission of this form the offeror requests exemption from requirements for submitting cost or pricing data on the basis that the price offered is based on an established catalog or market price of a commercial item sold in substantial quantities to the general public or is a price set by law or regulation (see FAR 15.804-1). Complete Section I, or II below as applicable.

SECTION I - CATALOG PRICE (See instructions for Items 7 thru 11 on reverse.)

7. CATALOG IDENTIFICATION AND DATE		8. SALES PERIOD COVERED
		FROM TO
9. CATEGORIES OF SALES	TOTAL UNITS SOLD *	10. REMARKS
a. Sales at catalog price to the general public		
b. Total sales of catalog item to all customers		

*If your accounting system does not provide precise information, insert your estimate and explain the basis for it in Item 10, REMARKS. Continue on a separate sheet, if necessary.

11. LIST THREE SALES OF THE ITEM OFFERED			
SALES CATEGORY	DATE	NO. OF UNITS SOLD	PRICE/UNIT
a. Lowest price, any customer, any quantity			\$
b. Lowest price, any customer, comparable quantities			\$
c. Lowest price, same customer class, comparable quantities			\$

SECTION II - MARKET PRICE (See instructions for Item 12 on reverse.)

12. SET FORTH THE SOURCE AND DATE OR PERIOD OF THE MARKET QUOTATION OR OTHER BASIS FOR MARKET PRICE, THE BASE AMOUNT, AND APPLICABLE DISCOUNTS

SECTION III - LAW OR REGULATION (See instructions for Item 13 on reverse.)

13. IDENTIFY THE LAW OR REGULATION ESTABLISHING THE PRICE OFFERED

REPRESENTATION (See instructions for Item 14 on reverse.)

The offeror represents to the best of its knowledge and belief that all data submitted concerning the items listed on this form are accurate as of the date of submittal to the Government and are in accordance with the instructions printed on the back of this form and that, except as stated in an attachment, a similar request for exemption involving the same or a similar item has not been denied by the Government within the last 2 years. Pending consideration of the proposal supported by this submission and, if the proposal or a modification of it is accepted by the Government, until the expiration of 3 years from the date of final payment under a contract resulting from this proposal, the Contracting officer and authorized representatives are granted access to books, records, document and other supporting data that will permit verification of the request for exemption and the reasonableness of price. Access does not extend to cost or profit information or other data relevant solely to the offeror's determination of the prices to be offered in the catalog or marketplace.

14. TYPED NAME, TITLE, AND FIRM	15. SIGNATURE	16. DATE OF SUBMISSION

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Previous edition not useable

STANDARD FORM 1412 (REV.)
Prescribed by GSA
FAR (48 CFR) 53.215-2(b)

Instructions to Offerors Submitting Request for Exemption from Submission of Cost or Pricing Data

The Offeror shall use the SF 1412 to submit a request for exemption from the submission of cost or pricing data. Attach all supporting information described below to the SF 1412. Complete Section I, Items 7 through 11, if you are proposing a catalog price. Complete Section II, Item 12, if you are proposing a market price. Complete Section III, Item 13, if you are proposing a price set by law or regulation.

Items 1-6. Self-explanatory. Provide information identified in the applicable block for each item for which an exemption is requested.

Item 7. Attach a copy of or identify the catalog and its date, or the appropriate pages for the offered items, or a statement that the catalog is on file in the buying office to which this proposal is being made.

Additional Information. Provide the following additional information in Items 7 - 11 for the catalog item with the highest total proposed price for the total quantity and for each catalog item with a total proposed price exceeding \$100,000, or other threshold established by the contracting officer.

Item 7. Provide a copy or describe all current discount policies and price lists (published or unpublished) applicable to each class of customer. Show rebates, discounts applicable to multiple quantities or cumulative orders, and volume discounts applicable to the combination of supplies or services into one order. If the proposed price of a catalog item was determined on the basis of assignment of the Government to a particular customer class, identify the customer class and state the reasons for selecting that customer class. To justify a catalog price exemption for the Government item, the catalog item and the offered item must be the same or similar. For similar items, a statement must be attached identifying the technical differences and explaining, by price analysis, how the proposed price is derived from the catalog price.

Item 8. Sales period for block 9 sales information. This period should include the most recent regular quarterly or longer period for which sales data are reasonably available and should extend back only far enough to provide a total period representative of average sales. You may also attach sales data for a prior representative period if for any reason recent sales are abnormal and the prior period is sufficiently recent to support the proposed price

for the Government item. In the latter case, explain how the proposed price is derived from the sales made at catalog price for the prior period.

Item 9. (a) Identify the amount of all sales of the catalog item at catalog price, or at an established discount from the catalog price, to the general public as defined in FAR 15.801 that were made during the period identified in block 8. See FAR 15.804-1(b)(2)(iv) if you want sales by affiliates to be considered. (b) Identify the total amount of sales of the catalog item to all customers.

Item 10. Insert the following information on sales made during the most recent regular quarterly or longer period for which sales data are available:

On line a, insert information on the lowest price at which sales of the offered item were made to any customer during the period, regardless of quantity.

On line b, insert the lowest price at which any sales of the offered item were made at comparable quantities to any customer.

On line c, if the proposed price of the catalog item was determined on the basis of assignment of the Government to a particular customer class, insert the lowest price at which sales of the offered item were made at comparable quantities to any customer in that class.

Attach a written explanation if the price proposed is not the lowest price at which a sale was made to any customer during the period for the same or similar items.

Item 12. Market price exemption criteria appear at FAR 15.804-1(b)(2)(ii). The nature of this market should be described. To justify a market-price exemption, the supply or service being purchased must be the same as or similar to the market price supply or service. For similar items, a statement must be attached identifying the specific differences and explaining how the proposed price is derived from the market price.

Item 13. Identify the law or regulation establishing the price offered. If the price is controlled under law by periodic rulings, reviews or similar actions of a governmental body, attach a copy of the controlling document, unless it was previously submitted to the contracting office.

Item 14. Insert the name, title, and firm of the person authorized by the offeror to sign this form.

**REQUEST FOR EXEMPTION FROM SUBMISSION OF COST OR PRICING DATA -
CONTINUATION***(See reverse for instructions.)*OMB NO.: 9000-0013
Expires: 03/31/96

4. ITEM OF SUPPLIES AND/OR SERVICES TO BE FURNISHED

2. DIVISION(S) AND LOCATION(S) WHERE WORK IS TO BE PERFORMED

5. QUANTITY

6. TOTAL AMOUNT PROPOSED FOR ITEM

\$

SECTION I - CATALOG PRICE *(See instructions for Items 7 thru 11 on reverse.)*

7. CATALOG IDENTIFICATION AND DATE

8. SALES PERIOD COVERED

FROM

TO

9. CATEGORIES OF SALES

TOTAL UNITS SOLD*

10. REMARKS

a. Sales at catalog price to the general public

b. Total sales of catalog item to all customers

*If your accounting system does not provide precise information, insert your estimate and explain the basis for it in Item 10, REMARKS. Continue on a separate sheet, if necessary.

11. SET FORTH THE SALES OF THE ITEM OFFERED

SALES CATEGORY	DATE	NO. OF UNITS SOLD	PRICE/UNIT
a. Lowest price, any customer, any quantity			\$
b. Lowest price, any customer, comparable quantities			\$
c. Lowest price, same customer class, comparable quantities			\$

SECTION II - MARKET PRICE *(See instructions for Item 12 on reverse.)*

12. SET FORTH THE SOURCE AND DATE OR PERIOD OF THE MARKET QUOTATION OR OTHER BASIS FOR MARKET PRICE, THE BASE AMOUNT, AND APPLICABLE DISCOUNTS

SECTION III - LAW OR REGULATION *(See instructions for Item 13 on reverse.)*

13. IDENTIFY THE LAW OR REGULATION ESTABLISHING THE PRICE OFFERED

Instructions to Offerors Submitting Continuation Sheets for a Request for Exemption from Submission of Cost or Pricing Data

The Offeror shall submit the SF 1412A Continuation sheet(s) in accordance with the requirements of FAR 15.804-1 for additional items that do not fit on a single SF 1412. Attach all supporting information described below to the SF 1412A Continuation sheet(s). Complete Section I, Items 7 through 11, if you are proposing a catalog price. Complete Section II, Item 12, if you are proposing a market price. Complete Section III, Item 13, if you are proposing a price set by law or regulation.

Items 2, 4, 5 & 6. Self-explanatory. Provide information identified in the applicable block for each item for which an exemption is requested.

Item 7. Attach a copy of or identify the catalog and its date, or the appropriate pages for the offered items, or a statement that the catalog is on file in the buying office to which this proposal is being made.

Additional Information. Provide the following additional information in Items 7 - 11 for the catalog item with the highest total proposed price for the total quantity and for each catalog item with a total proposed price exceeding \$100,000, or other threshold established by the contracting officer.

Item 7. Provide a copy or describe all current discount policies and price lists (published or unpublished) applicable to each class of customer. Show rebates, discounts applicable to multiple quantities or cumulative orders, and volume discounts applicable to the combination of supplies or services into one order. If the proposed price of a catalog item was determined on the basis of assignment of the Government to a particular customer class, identify the customer class and state the reasons for selecting that customer class. To justify a catalog price exemption for the Government item, the catalog item and the offered item must be the same or similar. For similar items, a statement must be attached identifying the technical differences, explaining, in price analysis, how the proposed price is derived from the catalog price.

Item 8. Sales period for block 9 sales information. This period should include the most recent regular quarterly or longer period for which sales data are reasonably available and should extend back only far enough to provide a total period representative of average sales. You may also attach sales data for a prior

representative period if for any reason recent sales are abnormal and the prior period is sufficiently recent to support the proposed price for the Government item. In the latter case explain how the proposed price is derived from the sales made at catalog price for the prior period.

Item 9. (a) Identify the amount of all sales of the catalog item at catalog price or at an established discount from the catalog price, to the general public as defined in FAR 15.801 that were made during the period identified in block 8. See FAR 15.804-1(b)(2)(iv)(A) if you want sales by affiliates to be considered. (b) Identify the total amount of sales of the catalog item to all customers.

Item 11. Insert the following information on sales made during the most recent regular quarterly or longer period for which sales data are available:

On line a, insert information on the lowest price at which sales of the offered item were made to any customer during the period, regardless of quantity.

On line b, insert the lowest price at which any sales of the offered item were made at comparable quantities to any customer.

On line c, if the proposed price of the catalog item was determined on the basis of assignment of the Government to a particular customer class, insert the lowest price at which sales of the offered item were made at comparable quantities to any customer in that class. Attach a complete explanation if the price proposed is not the lowest price at which a sale was made to any customer during the period for the same or similar items.

Item 12. Market price exemption criteria appear at FAR 15.804-1(b)(2)(ii). The nature of this market should be described. To justify a market-price exemption, the supply or service being purchased must be the same as or similar to the market price supply or service. For similar items, a statement must be attached identifying the specific differences and explaining how the proposed price is derived from the market price.

Item 13. Identify the law or regulation establishing the price offered. If the price is controlled under law by periodic rulings, reviews or similar actions of a governmental body, attach a copy of the controlling document, unless it was previously submitted to the contracting office.

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